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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,085	03/22/2001	Stefan Wintermantel	DRN204	3427

7590 12/13/2002  
Horst M Kasper  
13 Forest Drive  
Warren, NJ 07059

EXAMINER

WILSON, JOHN J

ART UNIT	PAPER NUMBER
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3732

DATE MAILED: 12/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/806,085

Applicant(s)

WINTERMANTEL, STEFAN

Examiner

John J. Wilson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear how the invention operates. Applicant describes directions of lift with respect to a denture or implant, however, it is not clearly shown how these elements relate. The operation of element 15 is unclear, for example, how is the stop released.

### ***Drawings***

The drawings filed March 22, 2001 are objected to by the examiner because the letter designations located within darkened cross-hatching are unclear. The drawing do not clearly show the invention, a figures or figures showing a denture and/or implant and the orientation of the elements is required. No new matter may be added.

### ***Specification***

The specification is objected to because it appears to be a translation of a foreign filed disclosure, and as such, contains errors in form and grammar, for example, see

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page 3, line 4, "in the course of line" and line 16, "gripped into a groove". The entire disclosure must be checked and placed in proper U.S. form.

Headings are suggested.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Romagnoli (4345901). Romagnoli shows a connecting element having a slidable locking bar 13, Fig. 5, spring 15 and push button 14. The disengagement of 13c from groove 6 will obviously release inherent tension between the elements and effect a slight lifting. Elements 13c and 6 inherently comprise stop surfaces. The specific shape of the inferentially claimed denture or tooth or implant is given no patentable weight. The specific shape of the elements is an obvious matter of choice in the shape of known structure to the skilled artisan.

### ***Response to Arguments***

Applicant's arguments filed November 7, 2002 have been fully considered but they are not persuasive. With respect to the rejection under 35 U.S.C. 112, first paragraph, the citation in the specification pointed to by applicant is unclear, for

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example, it does not explain how the stop is released in use. The detailed description of element 15 and the manner in which the device operates made by applicant in the Supplemental Amendment does not overcome this rejection. It appears, however it is not completely clear, that element 15 is attached to the push button and moves out of the locking position when the button is pushed. Applicant must amend the specification and drawings to make the operation of the device clear. No new matter may be added, however, the drawings may be used for support. With respect to the rejection made under 35 U.S.C. 103, the locking device 13c of Romagnoli is movable upon actuation of the pushbutton 14 and the locking bar 13 as shown, and therefore, meets the claim language. The device will inherently release inherent tension between the elements and effect a slight lifting, and therefore, meets the claim language. It appears that applicant may be giving weight to the use of designating letters such as "(A)" and therefore reading the description and drawing of the element "A" into the claim language, however, in U.S. practice, while the use of numerals and designating letters within a claim is proper, the claim language must stand on its own. The actual claim language is properly met as detailed above.

### ***Conclusion***

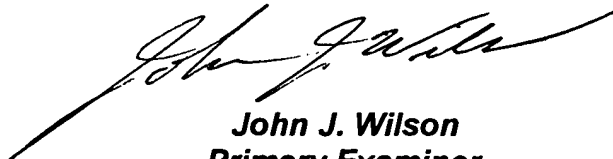
**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to John Wilson at telephone number (703) 308-2699.



**John J. Wilson**  
**Primary Examiner**  
**Art Unit 3732**

jjw

December 11, 2002

Fax (703) 308-2708

Work Schedule: Monday to Friday – Flex Time